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September 23, 2024

BY ECF

Honorable Denise L. Cote
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 1910
New York, NY 10007

Granted.



September 24, 2024

RE: Skillz Platform Inc. v. Papaya Gaming, Ltd. and Papaya Gaming, Inc., No. 1:24-cv-01646 (S.D.N.Y.)

Dear Judge Cote:

Pursuant to Rule 8.B of the Court's Individual Practices in Civil Cases, we write on behalf of Defendant and Counterclaim-Plaintiff Papaya Gaming, Ltd. ("**Papaya**") concerning potential redactions and filing under seal of certain allegations in Papaya's First Amended Counterclaims.

In anticipation of Papaya's filing of the new pleading, Counsel for Plaintiff and Counterclaim-Defendant Skillz Platform Inc. ("**Skillz**") stated Skillz's belief that certain information related to matchmaking practices on Skillz's mobile gaming platform is a confidential trade secret and must be filed under seal. In subsequent correspondence, Papaya provided Skillz with actual language from the pleading to Skillz for review. In addition, to try to avoid the application of a double standard, Papaya sought confirmation that Skillz was taking the position that non-public information the parties obtain through discovery or other means that pertain to either party's matchmaking or use of skill-matching algorithms constitute trade secrets or are otherwise subject to "Highly Confidential—Outside Counsel's Eyes Only" designations under the Protective Order (ECF No. 39.) Skillz has not yet responded.

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In an abundance of caution, and subject to any further action by Skillz in light of the concerns it has raised, Papaya hereby requests that it be permitted to submit the First Amended Counterclaims under seal, and file a public version redacting the specific allegations it believes to be at issue given the lack of confirmation by Skillz. Papaya respectfully reserves all rights.

Respectfully Submitted,

/s/ Jordan A. Feirman
Jordan A. Feirman

cc: All counsel of record (via ECF)